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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,576	09/22/1999	THOMAS R. KNAPP	10990600-1	4837

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EXAMINER

TRAN, DOUGLAS Q

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/401,576

Applicant(s)

KNAPP, THOMAS R.

Examiner

Douglas Q. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-11 is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. Claim 11 is objected to because of the following informalities: claims 9 and 11 that have the same limitation because the limitation in both of claims is repeatedly for executing the method of claim 1. Thus, claim 11 is duplicated with claim 9. Claim 11 should depend on claim 10. Appropriate correction is required.
2. Claim 1 is objected to because of the following informalities: “ a document”, in line 7 of claim 1, would be “**the** document”. Appropriate correction is required.
3. Claim 10 is objected to because of the following informalities: “ a receiver”, in line 4 of claim 10, would be “**the** receiver”. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 1 recites the limitation "**the** characteristics" in line 3. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shin (US Patent No. 6,351,320 B1) and Kobayashi et al. (US Patent No. 6,434,343).

As to claim 12, Shin teaches:

A receiver scanner (the document source device or creator 11 such as scanner in fig. 1, col. 8, lines 26-29) scanning receiver (either 54 or 56 in fig. 2) on which a document image is to be copied and producing therefrom characteristic receiver data (col. 8, lines 38-40);

An image processor (74 in fig. 2) receiving the document data and receiver data, the image processor generating copy pigment data therefrom (col. 7, lines 57-60);

A print engine (94 in fig. 5) for printing the document.

However, Shin does not explicitly teach a buffer storing data describing a document to be copied.

Kobayashi, in the same field of endeavor, teaches a buffer storing data describing a document to be copied (col. 11, lines 44-46).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Shin for storing the document a buffer as taught by Kobayashi. The suggestion for modifying the system of Shin can be reasoned by one of ordinary skill in the art as set forth by Kobayashi because since there is a buffer for temporarily storing the input data, data from that document should be processed before printing. Such modification would be necessary in order for the processing system have time for color processing.

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As to claim 13, Shin and Kobayashi teaches every feature in claim 12, Shin further teaches that a scanner scanning documents to be copied and producing therefrom document data for the buffer (col. 8, lines 27-29).

However, Shin does not explicitly teach a buffer storing data describing a document to be copied.

Kobayashi, in the same field of endeavor, teaches a buffer storing data describing a document to be copied (col. 11, lines 44-46).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Shin for storing the document a buffer as taught by Kobayashi. The suggestion for modifying the system of Shin can be reasoned by one of ordinary skill in the art as set forth by Kobayashi because since there is a buffer for temporarily storing the input data, data from that document should be processed before printing. Such modification would be necessary in order for the processing system have time for color processing.

***Allowable Subject Matter***

8. Claims 1-9, 10-11 would be allowable if independent claims 1 and 10 rewritten or amended to overcome the objection(s) and the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 1 and 10 are independent claims.

The following is an examiner's statement of reasons for allowance:

**As to claim 1**, the closest prior art of Shin (US Patent No. 6,351,320 B1) and Kondo (US Patent No. 6,241,339), including the updated text search, would not teach steps of “determining

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the characteristics of a receiver on which the document will be copied; determining which pigments are required based on the characteristics of the receiver to render the receiver to a given standard; and determining which pigments are required to render a document image on the receiver.

As to claim 10, the closest prior art of Shin (US Patent No. 6,351,320 B1) and Kondo (US Patent No. 6,241,339), including the updated text search, would not teach steps of “determining from the scanned receiver the characteristics of a receiver on which the document will be copied; determining which pigments are required based on the characteristics of the receiver to render the receiver white; and determining from the scanned document which pigments are required to render a document image on the receiver.

***Response to Arguments and Amendment***

Applicant's arguments filed 12/11/02 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the objection and the second paragraph of 35 U.S.C. 112. This action is made **non-final**.

Applicant asserted in page 4 “However, Shin does not teach or suggest ‘a receiver scanner scanning receivers on which a document image is to be copied and producing therefrom characteristic receiver data “. In reply, Shin teaches that a receiver scanner (the document source device or creator 11 such as scanner in fig. 1, col. 8, lines 26-29) scanning receiver (either 54 or 56 in fig. 2) on which a document image is to be copied and producing therefrom characteristic

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receiver data (col. 8, lines 27-30: the scanner generates a color image defined in colorimetric terms: Rc,Gc,Bc which are characteristics of original image data from the original document).

And Shin further teaches in automatic mode, the image types are determined (col. 8, lines 43-45).

For the above reasons, it is believed that the cited prior art fully discloses the claimed invention and the rejection stand.

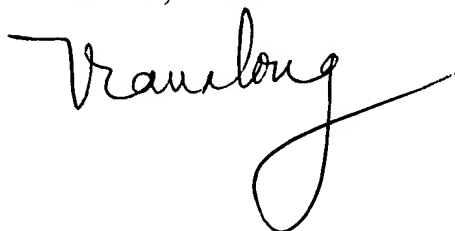
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or E-mail address is Douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Douglas Q. Tran

Mar. 03, 2003

A handwritten signature in black ink, appearing to read "Douglas Q. Tran", with a long, sweeping horizontal stroke extending to the right.